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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,397	06/20/2001	Kevin Hsiaohsu Tu	VIGIP002	4243
22434	7590	05/17/2004	EXAMINER	
BEYER WEAVER & THOMAS LLP			WEST, JEFFREY R	
P.O. BOX 778			ART UNIT	
BERKELEY, CA 94704-0778			PAPER NUMBER	
			2857	

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/886,397	TU ET AL.
	Examiner Jeffrey R. West	Art Unit 2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 February 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 and 15-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-13 and 15-77 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 June 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 11/12/03
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-13, 15-22, 24-30, 33, 35, 36-40, 59-62, 66-71, and 74-77 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0038217 to Young.

Young discloses a system and method for integrated data analysis and management, in a business environment (0002), comprising obtaining a set of one or more events (0087), configuring the monitoring system for allowing the user, through a user interface (i.e. adapter), to request modification of the data to identify (i.e. flag) one or more of the set of events in order to select the events desired (0039), monitoring the modified (i.e. flagged) data to detect one or more of the set of events, and generating a message when one or more of the set of events is detected (0088). Young also discloses defining the sets of events by one or more event attributes (i.e. types of business intelligence) and determining, and indicating by message that identifies one or

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more of the specified set of events (0005), whether one or more conditions are satisfied with respect to one or more received attributes wherein the events and corresponding associated conditions can be configured as reference events, change events, threshold events, task completion events, or task failed events (0068-0073).

Young discloses that the modified flagged data indicating a particular set of events to be monitored and conditions to be satisfied, stored and retrieved by intelligence agents, further indicates one or more received data values (i.e. reference strings, threshold integers, etc.) and metrics/attributes (i.e. price values, threshold values, etc.) associated with the events to be monitored as well (0068-0073).

Young discloses implementing the method as computer-readable program instructions installed (i.e. loaded onto a hard drive) in a computer (0015 and "110" in Figures 1 and 2). It is considered inherent that the computer has a corresponding processor and memory in order to perform the execution of the computer-readable program. It is also considered inherent that in order for the conditions, events, attributes, values, metrics, etc., to be accepted by the user of the program and/or stored into the associated components, the monitoring system must receive these initial values, thereby being "configured".

With respect to claims 26 and 27 Young does disclose that the intelligent agents provide subscription services for all defined event types in order for applications and policies to specify their requests for information (i.e. publish

subscription requests) (0074) and further discloses providing the specified/flagged specific event data to the applications over an adapter through some type of connection (i.e. bus) (0026).

With respect to claims 28 and 29, Young discloses storing an overall set of events on a general business computer (0015) (i.e. a set of events associated with a general business entity) and the specified set of events indicated by flagging associated data is selected by an individual user (i.e. set of specified events associated with an individual user entity interested in the events) (0039).

With respect to claim 30, Young discloses receiving specific metrics associated with the flagged data for a set of events and determining when the condition is satisfaction based upon analyzing the metrics and, since Applicant defines metrics as subsets of the event (instant specification, page 18, line 10), Young meets the limitation of receiving a subset of the flagged data associated with the specified set of events and determining from the subset when one or more conditions are satisfied.

With respect to claims 66 and 67, Young discloses an attribute comparison condition associated with the events being monitored for comparing one or more values/attributes in order to detect a change defined event or when a predetermined threshold is reached (0070).

With respect to claims 38 and 74-77, Young also discloses one or more timer conditions defined independent from the specified set of events (i.e. defined separately from the attributes or metrics) as impending and overdue

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indicating conditions that compare one or more of the event attributes to an expected time value in order to determine when a message should arrive as well as to send a message indicating that the event is overdue when the respective associated timer conditions are satisfied (0045).

With respect to claims 68-71, in addition to disclosing one or more timer conditions defined as overdue indicating conditions indicating that a current event must occur within a specified time period (0045), Young also discloses a condition indicating a follow-by paired event indicating that a first of the specified events is to be followed by a second specified event within a specific period of time and indicates the occurrence or non-occurrence of the second event within that period of time (0059).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 23, 34, 41-53, 57, 58, and 63-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of U.S. Patent No. 5,555,346 to Gross.

As noted above Young teaches all the features of the claimed invention except for specifying that each of the set of conditions has one of a plurality of

received associated condition types including a single occurrence condition type and a multiple occurrence condition type.

Gross teaches an event-driven rule-based messaging system including templates for the user to create conditional events comprising "if" conditions which, upon satisfaction (i.e. event occurrences), results in "then" user-specified actions taking place (column 2, lines 4-7) wherein the events are specified as either single occurrence events (column 5, lines 4-39 and 3A) or periodic events that occur multiple times over a specific time interval (column 5, line 65 to column 6, line 10).

It would have been obvious to one having ordinary skill in the art to modify the invention of Young to include specifying that each of the set of conditions has one of a plurality of received associated condition types including a single occurrence condition type and a multiple occurrence condition type, as taught by Gross, because Young does teach a plurality of conditions and events that occur once (i.e. business mergers, 0069) or that occur more than once (i.e. weather forecasts, 0076-0085) and Gross suggests a corresponding method for setting these events as single or periodic for automatic multiple event detection thereby reducing the burden of user intervention (column 10, lines 49-65).

Further, with respect to claim 48, since Young does disclose comparing attributes to determine when a predetermined threshold is reached, it would have been obvious to one having ordinary skill in the art to perform this comparison using a Boolean expression, since Boolean expressions are well

known in the art of programming to indicate a true/false condition as would be needed to compare a changing value to a stationary value to determine when the changing value exceeds the stationary value (i.e. value x is less than value y? true/false)

5. Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of U.S. Patent No. 6,094,681 to Shaffer et al.

As noted above, the invention of Young teaches all the features of the claimed invention except for specifying that the subset of flagged data be filtered according to one or more business attributes in order to obtain one or more data values and metrics.

Shaffer teaches an apparatus and method for automated event notification comprising an event indicator monitor and a transmitter that transmits the event notification (column 2, lines 15-37) wherein the notification system includes a data filter that is configured to parse through data attributes filtering the data according to the attributes in order obtain specific data desired (i.e. filter by stock attributes to determine when a stock value and metric meets a predetermined level) (column 4, lines 21-30).

It would have been obvious to one having ordinary skill in the art to modify the invention of Young to include specifying that the subset of flagged data be filtered according to one or more business attributes in order to obtain one or more data values and metrics, as taught by Shaffer, because Young does

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teach monitoring a plurality of events and conditions wherein the events and conditions are only concerned with one type of data (I.e. stock prices, 0071) and Shaffer suggests a corresponding method for obtaining only the desired data with respect to the event and condition in order to supply this desired information to the user (column 4, lines 21-39).

6. Claims 72 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of U.S. Patent No. 6,381,580 to Levinson.

As noted above, the invention of Young teaches many of the features of the claimed invention including a condition for determining and indicating when a first event occurs and/or when a second event occurs within a specified period of time with respect to the first event, but does not specifically disclose that the event conditions be related as "cancel-by" event conditions wherein upon the detection of the first event, a second event is cancelled.

Levinson teaches an automatic planning and cueing system and method comprising determining a plurality of events that a user is going to perform, each event comprising a predetermined duration, a predetermined period of time to complete the event, and a criteria/condition for completing the event, organizing the events into a plan, determining, during execution of the plan, that an unexpected event has occurred and changing the plan of the user automatically in response to the unexpected event so that the unexpected event is added into the plan with minimal disruption to the plan (column 4, lines 43-56). Levinson further teaches determining if an event is originally

planned for a predetermined time and a second event occurs during that time, the previous event is cancelled at that time and rescheduled based upon the second event occurrence (column 9, lines 50-53 and column 10, lines 23-28).

It would have been obvious to one having ordinary skill in the art to modify the invention of Young to include specifying that the event conditions be related as "cancel-by" event conditions wherein upon the detection of the first event, a second event is cancelled, as taught by Levinson, because, as suggested by Levinson, the combination would have provided a corresponding method for aiding the user to insure correct event management and indication by automatically optimizing an event schedule through addition, removal, rescheduling of events in response to unexpected surprises, distractions, unanticipated problems, or conflicting events (column 3, lines 35-39).

7. Claims 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Gross and further in view of U.S. Patent No. 6,381,580 to Levinson.

As noted above, the invention of Young and Gross teaches many of the features of the claimed invention including a condition for determining and indicating when a first event occurs and/or when a second event occurs within a specified period of time with respect to the first event, but does not specifically disclose that the event conditions be related as "cancel-by" event

conditions wherein upon the detection of the first event, a second event is cancelled.

Levinson teaches an automatic planning and cueing system and method comprising determining a plurality of events that a user is going to perform, each event comprising a predetermined duration, a predetermined period of time to complete the event, and a criteria/condition for completing the event, organizing the events into a plan, determining, during execution of the plan, that an unexpected event has occurred and changing the plan of the user automatically in response to the unexpected event so that the unexpected event is added into the plan with minimal disruption to the plan (column 4, lines 43-56). Levinson further teaches determining if an event is originally planned for a predetermined time and a second event occurs during that time, the previous event is cancelled at that time and rescheduled based upon the second event occurrence (column 9, lines 50-53 and column 10, lines 23-28).

It would have been obvious to one having ordinary skill in the art to modify the invention of Young and Gross to include specifying that the event conditions be related as "cancel-by" event conditions wherein upon the detection of the first event, a second event is cancelled, as taught by Levinson, because, as suggested by Levinson, the combination would have provided a corresponding method for aiding the user to insure correct event management and indication by automatically optimizing an event schedule through addition, removal, rescheduling of events in response to unexpected

surprises, distractions, unanticipated problems, or conflicting events (column 3, lines 35-39).

Response to Arguments

8. Applicant's arguments filed February 02, 2004 have been fully considered but they are not persuasive.

Applicant first argues that Young fails to disclose or suggest "configuring the monitoring system for modifying data to identify one or more of the set of events such that the modified data indicates one or more values of the data to be monitored in association with the set of events" but instead "Young describes transmitting a business event message including business data describing the business event. However, the business event message of Young is sent after the business event has been detected. In contrast, the invention of claim 1 modifies data in order to enable various business events to be monitored and detected (e.g. by monitoring the modified data)."

The Examiner maintains that the events that are indicated to be monitored (i.e. flagged) also include one or more values of the data to be monitored in association with the events. For example, Young teaches the monitoring of "Threshold events—Events that require correlation with respect to prior knowledge, such as a stock price falling below \$100 per share, for example" (0071). In this instance, when flagging the "stock price falling event" for monitoring, the flagged event also indicates a stock value of \$100 to be monitored in association with the events.

Applicant then argues the Examiners assertion that "it is inherent that in order for the conditions, events, attributes, values, metrics, etc., to be accepted by the user of the program and/or stored into the associated components, the monitoring system must received these initial values, thereby being 'configured,'" instead stating that "[i]n fact, such user-selections are neither disclosed nor suggested by Young. On the contrary, Young fails to disclose or suggest the selection of a condition and selection of an event to be associated with one another."

The Examiner maintains that the invention of Young does associate a selected condition with one or more selected events. For example, as noted above, Young provides detection of "threshold events" that associate a particular stock price with the detected event. Young also discloses "Change Events---Events that require prior intelligence with respect to a subject, such as a change in pricing, or a change in stock price, for example" (0070). For these "Change Events" a detected change in value requires the association of a first value with the event.

Applicant also argues that "Young fails to disclose or suggest relating two specific events through the use of a condition, such as a cancel-by paired event condition indicating that a first one of the events is to be canceled upon detection of a second one of the events, as recited in claim 72."

The Examiner asserts that the invention of Young is not included to teach the "cancel-by paired event" limitation but instead this limitation is taught by Levinson.

Applicant then argues, with respect to claim 69, that "Young fails to disclose or suggest that a first event is to be followed by a non-occurrence of a second event."

First, the Examiner maintains that Young discloses an event timer that "is able to receive an event message that is formatted to specify the sender, the nature of the message, a successor event and what the expected time period should be for this successor event to occur" and "when a time cycle has been reached for a certain event, a message is generated in the console indicating that the successor event is now overdue and the event is purged from memory" (0059-0060). Therefore, Young teaches indicating that a first event is to be followed by an occurrence of a second event, if a time cycle is not exceeded, and also teaches indicating that a first event is to be followed by a non-occurrence of a second event, if the time cycle is exceeded.

Second, the Examiner asserts that Young teaches indicating that only a first event is to be detected (0045) and therefore, in cases where it has been specified to only detect one event, it is also being specified that there is to be a non-occurrence of a second event.

Applicant then argues that while the invention of Gross "does disclose event types, Gross fails to disclose condition types as those claimed. Moreover, while Gross discloses events and timed events that occur periodically (e.g., daily, weekly, monthly), Gross fails to disclose or suggest a condition type indicating that a specified event is to occur a single time or a specified number of times in order to satisfy a particular condition. Accordingly, Gross fails to disclose a single occurrence condition type or a multiple occurrence condition type. In fact, through the use of a timer, Gross teaches away from specifying a number of times a particular event is to occur."

The Examiner maintains that Gross teaches an event-driven rule-based messaging system including templates for the user to create conditional events comprising "if" conditions which, upon satisfaction (i.e. event occurrences), results in "then" user-specified actions taking place (column 2, lines 4-7) wherein the events are specified as either single occurrence events (column 5, lines 4-39 and 3A) or periodic events that occur multiple times over a specific time interval (column 5, line 65 to column 6, line 10).

With respect to Applicants argument that the use of a timer teaches away from the invention as claimed, the Examiner asserts that Gross specifically indicates that "[p]eriodic occurrence triggers corresponding rules every passage of a specified number of minutes/hour/days/weeks/months, as specified in the event portion of the rule" and "[t]he periodic occurrence is

limited to a specified time period by providing a PERIOD operand, which specifies the time bases upon which the event occurs" (column 6, lines 1-10).

Therefore Gross teaches that the event "is to occur the specified number of times within a specified period of time" because indicating that an event is to occur monthly, for example, is indicating that the event is to occur 12 times within a year.

Applicant then argues that the invention of Levinson "fails to disclose or suggest pairing two specific events using a cancel-by paired event condition indicating that a first one of the events is to be canceled upon detection of a second one of the events, as recited in claim 72. Moreover, Levinson fails to disclose or suggest canceling the first event upon detection of the second event within a specified period of time of the first one of the events. Rather, Levinson teaches rescheduling as a result of 'unexpected' events in general, and therefore teaches away from pairing two specific events in a specific condition. Moreover, combining the cited references would fail to achieve the desired result, which is to provide for specific results if two specific conditions occur (e.g., canceling re-delivery of an order if the order has been received)."

The Examiner maintains that Levinson teaches determining if an event is originally planned for a predetermined time and a second event occurs during that time (i.e. a phone call event occurs too close to a scheduled meeting time), the previous event is cancelled at that time and rescheduled based

upon the second event occurrence (column 9, lines 50-53 and column 10, lines 23-28).

The Examiner also asserts that although Levinson describes the interrupting event as "unexpected" the invention of Levinson does plan for the occurrence of two events as well as plans for the cancellation of the first event in view of the second event since Levinson includes the setting of priority data.

The Examiner also asserts that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the desired result of providing for specific results if two specific conditions occur is not considered because it is not claimed.

Further, the Examiner asserts that since Levinson teaches performing a first action based on a first event condition and a second action based on a second event condition, Levinson does achieve a result of providing for specific results if two specific conditions occur.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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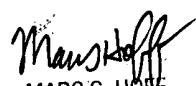
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. West whose telephone number is (703)308-1309. The examiner can normally be reached on Monday through Friday, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (703)308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7382 for regular communications and (703)308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

jrw
May 10, 2004


MARC S. HOFF
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